

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

ADNAN KHAN,

No. C 10-3949 SI

Petitioner,

v.

**ORDER GRANTING MOTION TO
PROCEED *IN FORMA PAUPERIS* ON
APPEAL**

RAUL LOPEZ, Warden

Respondent.

Petitioner Adnan Khan has filed a motion seeking to proceed *in forma pauperis* (“IFP”) on his appeal of the Court’s denial of his petition for a writ of habeas corpus.

IFP applications are reviewed using a two-part analysis pursuant to 28 U.S.C. § 1915. First, the Court must determine that the applicant qualifies financially to proceed IFP. 28 U.S.C. § 1915(a)(1). Next, the Court must ensure that the applicant states cognizable, non-frivolous claims or defenses. *Id.* § 1915(e)(2)(B). The Court may “at any time” dismiss an IFP action or appeal if it determines that the action or appeal “is frivolous or malicious.” *Id.*

Petitioner has previously been found to be indigent by the Court, and his family has not retained counsel to represent him for the appeal. Additionally, the Court does not find that petitioner’s appeal is either frivolous or malicious.

Accordingly, the Court GRANTS petitioner’s motion to proceed *in forma pauperis* on his appeal.

IT IS SO ORDERED.

Dated: September 24, 2013



SUSAN ILLSTON
United States District Judge